

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAWN FIGMAN,

Plaintiff,

-against-

CITY OF NEW YORK; THE PATROLMEN'S
BENEVOLENT ASSOCIATION OF THE CITY
OF NEW YORK (PBA); CITY OF NEW YORK
FDNY,

Defendants.

24-CV-8898 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. §§ 1983, 1985-1986.

By order dated February 5, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

The Court dismisses the complaint for the reasons set forth below.

STANDARD OF REVIEW

The Court must dismiss an *in forma pauperis* complaint, or any portion of the complaint, that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998). The Court must also dismiss a complaint when the Court lacks subject matter jurisdiction of the claims raised. *See Fed. R. Civ. P. 12(h)(3).*

While the law mandates dismissal on any of these grounds, the Court is obliged to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they suggest," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in

original). But the “special solicitude” in *pro se* cases, *id.* at 475 (citation omitted), has its limits – to state a claim, *pro se* pleadings still must comply with Rule 8 of the Federal Rules of Civil Procedure, which requires a complaint to make a short and plain statement showing that the pleader is entitled to relief.

BACKGROUND

The following facts are drawn from the complaint.¹ Plaintiff sues three entities: the City of New York; the “Patrolmen’s Benevolent Association of the City of New York” (PBA); and the Fire Department of New York (FDNY). Plaintiff’s allegations, however, are wide ranging and refer to alleged harms caused by many non-party individuals. Plaintiff alleges, for example:

The NYPD harms minors and causes false imprisonment of plaintiffs. And you hurt me of children? “Sorry,” before repairing racist violent crimes you cause against my life? NYC causes child pornography against my life and with some USOIG. NY threatens me that some causing violent tampering and slander are Judaic. USOIG employees feel that NY tampering is a joke. Not a joke to a victim. On the day that I went to the clerk’s desk, the clerk was not at the desk and the U.S. employee threatened to harm me. Some of them are with Mr. Spota. Ms. Fields, a US Attorney, says that they hurt victims. I’m a civilian victim and NYC hurts my life with NY employees that are dangerous to plaintiffs. Of contact, they are prohibited, Mr. Driscoll, District Attorney, NY. The comptroller blames President Trump. I feel that NY; NYC; and CUNY, should reimburse me on religion, Jewish. NYC and NY employees plan to cause me the intentional infliction of emotional distress and wanton pain and suffering. They cause me racist violent tampering and financial crimes on religion, Jewish. Disturbing are their accusations on religion, Jewish. Deans say that I did not anything with me, a victim. They victim blame and they falsify anything of victims and with a Mr. Hessel, NY USOIG and Mr. Spota. CUNY employees cause racist violent tampering and false imprisonment against my life. They cause racist violent reverse discrimination against my life on color, white, and on my religion, Jewish.

(ECF 1 at 3.)

¹ The Court quotes from the complaint verbatim. All spelling, grammar, and punctuation are as in the original unless noted otherwise.

In addition, Plaintiff alleges:

After giving FBI a letter, I need FBI each month? That is wrong. Mr. Spota; the Attorney General; and NYC have a history of falsifying medical documents among documents to discredit victims; to cause false imprisonment; and retaliation on religion, Jewish. Employees of NYC with Ms. Herzog, a friend to Mr. Spota and the Attorney General falsify medical documents to retaliate and to discredit victims. They hurt my life. I felt that I might marry, Dr. Bauer, a physician at an emergency room that I was living with. An issue is that I'm Jewish. The Attorney General and NYC threaten to cause racist violent tampering to use emergency rooms to hurt me on religion, Jewish. The U.S. Attorney in NY says their motives are jealous and that I'm the victim of retaliation. They use a U.S. and city building to plan to cause child pornography. I do not know them and of contact they are prohibited. The Attorney General's racist violent crimes are with Mr. Spota and improper police. They should be prosecuted with Mr. Spota, before they hurt additional victims. New York employees violated my rights and they violated my order of protection. Purchase College, NY. Physicians told them that I'm harmed and not sick. Some NY and NYC employees are sexual abusers to victims. NYC employees threaten me: no corporations; no college; and that I won't live anyplace. The misconduct of NYC; NY; and US employees is outrageous and they cause me greater harms. They threatened to harm me in the US building, about August 2018. Purchase College harmed me of completing a gallery work. Thefts of tuition and the intentional infliction of distress, because of their outrageous misconduct, they caused me, after Stony Brook. Deans at CUNY say that I did not do anything: Racist violent African American employees at NYC and CUNY, harmed me of my completing courses. I do not know them. They stalk; they harass; they tamper with white Jewish victims.

(*Id.* at 4.)

Plaintiff further alleges:

About August 2018, NYPD and USOIG planned crimes against, Mr. Berman, and they harmed me on my religion, Jewish, at Panera in 2018. No money-Jewish, they threaten me. Because of the comptroller, CUNY emails me to pay them amounts that they owe me. The comptroller says that I do not owe CUNY any amounts and they email me to give them money. In 2023 and 2024, you harm me with motor vehicles. Employees with Ms. Kasulis, say that your crimes are serious in 2023 and 2024, harming me with motor vehicles. They could have murdered me. I telephoned the comptroller about getting a notice of claim to you and your assistants threaten me and they name some that they use in Florida. Dangerous attorneys are with a Mr. Hessel, NY USOIG and NYC. Some with Mr. Hessel, NY USOIG are causing racist violent tampering and on religion, Jewish. Unlawful delays of restitution and relief, NY and NYC employees plan to cause me on religion, Jewish. The NY comptroller and some USOIG.

The district attorney in Hauppauge told me that they know they harmed a feline that I rescued in Miami, FL. Miami threatens me that they harm felines to cause “felines” sexual harms. In a foul mouth, Mr. Hessel, NY USOIG, started to threaten me on the USDOJ telephone that I’m the feline and that they are of NY, tampering in Florida, until they cause homicide. About 3/2/2023, I gave a letter to the U.S. Attorney in NY, and within an hour, a driver of a Jeep Sport, DPN61,FL, planned to cause a racist violent tampering crime against my life and harmed my body. The U.S. Attorney in Florida says the vehicle is registered to an organization, Dolphins. Extortions and racist violent tampering threats they cause. They did the same with a gov vehicle and while I interviewed with PetSmart, recently. On the telephone, I requested assistance about giving a notice of claim to the NYC comptroller, Mr. Lander, Mr. Lander’s improper NYC employees are causing racist violent hate on religion, Jewish, in NYC and in the U.S. Brenda, an assistant to the comptroller blames President Trump on religion, Jewish. Brenda says that the comptroller does not work with any Jewish. The Dugards’ advocates say that improper attorneys falsify gold diggers of plaintiffs, including of the Dugards.

(*Id.* at 5.)

Plaintiff seeks damages from Defendants FDNY, PBA, and the City of New York.

DISCUSSION

Rule 8 requires a complaint to include enough facts to state a claim for relief “that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible if the plaintiff pleads enough factual detail to allow the Court to draw the inference that the defendant is liable for the alleged misconduct. In reviewing the complaint, the Court must accept all well-pleaded factual allegations as true. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009). The Court does not have to accept as true “[t]hreadbare recitals of the elements of a cause of action,” which are essentially just legal conclusions. *Twombly*, 550 U.S. at 555. After separating legal conclusions from well-pleaded factual allegations, the Court must determine whether those facts make it plausible – not merely possible – that the pleader is entitled to relief.

Id.

“Determining whether a complaint states a plausible claim for relief will . . . be a context-specific task that requires the reviewing court to draw on its judicial experience and common

sense.” *Id.* at 679. Plausibility “depends on a host of considerations: the full factual picture presented by the complaint, the particular cause of action and its elements, and the existence of alternative explanations so obvious that they render plaintiff’s inferences unreasonable.” *L-7 Designs, Inc. v. Old Navy, LLC*, 647 F.3d 419, 430 (2d Cir. 2011).

Defendants in this action are the FDNY, the PBA, and the City of New York. Most of Plaintiff’s factual allegations discuss the activities of non-parties to this action. Plaintiff alleges, for example, that “a driver of a Jeep Sport, DPN61, FL, planned to cause a racist violent tampering crime against my life” and that “Mr. Hessel, NY USOIG, started to threaten me on the USDOJ telephone that I’m the feline and that they are of NY, tampering in Florida, until they cause homicide.” (ECF 1 at 5.) The Court declines to construe the complaint as asserting claims against the non-parties mentioned in the body of the complaint because the facts alleged are unclear and the allegations appear wholly unrelated to one another.

Plaintiff has named the FDNY as a defendant. Plaintiff’s only allegations against the FDNY are the following:

plan fictions, pretexts, and slander to cause victims child pornography and racist violent tampering on religion. Jewish, in NY and in the US. NYC harms minors. They are conspiring against rights; tampering; and using civilian motor vehicles to cause tampering and racist violent civil rights crimes against my life. that a prosecutor won’t receive a complaint. They conspire against rights and with EMS and FDNY. Mr. Driscoll, a district attorney placed them on notice of their third person contact.

(ECF 1 at 7-8.)

Plaintiff cannot bring claims against the FDNY on behalf of “victims [of] child pornography.” As a nonlawyer, Plaintiff can only represent her own interests. *See* 28 U.S.C. § 1654; *United States ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) (“[A]n individual who is not licensed as an attorney may not appear on another person’s behalf in the other’s cause.”). Moreover, these and other allegations of the complaint are devoid of facts about

who violated Plaintiff's rights, when and where the events took place, or what occurred. Plaintiff's complaint thus fails to comply with Rule 8 because it does not put any of the defendants on notice of the claims against them.

District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects but leave to amend is not required where it would be futile. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Here, it would be futile to grant Plaintiff leave to amend to replead the numerous unrelated claims that she raises in this complaint, many of which are asserted on behalf of others. Because Plaintiff may wish to reassert one or more claims on her own behalf, the Court dismisses Plaintiff's complaint without prejudice.²

CONCLUSION

Plaintiff's complaint is dismissed without prejudice for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. 28 U.S.C. § 1915(e)(2)(B)(i).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Judgment shall enter.

SO ORDERED.

Dated: April 14, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

² If Plaintiff intends to bring a new action, she may wish to consult with the SDNY Federal Pro Se Legal Assistance Project before doing so. The City Bar Justice Center (CBJC) operates the SDNY Federal Pro Se Legal Assistance Project to assist self-represented parties with civil cases in this court. A flyer with details is attached.

FEDERAL PRO SE LEGAL ASSISTANCE PROJECT

in the Southern District of New York (SDNY)



ABOUT THE PROJECT

The Federal Pro Se Legal Assistance Project (Fed Pro) provides limited assistance to self-represented litigants (plaintiffs and defendants) with cases involving civil legal matters in the United States District Court for the Southern District of New York (SDNY).

HOW TO SCHEDULE AN APPOINTMENT

To schedule an appointment for assistance with City Bar Justice Center's Fed Pro project, you must first complete our online Intake Form.

- Our online Intake Form is accessible via one of these methods:
 - Scan the QR code to the right.
 - Go to bit.ly/prosesdny
- Once on the City Bar Justice Center Federal Pro Se Legal Assistance page, scroll down to "**SDNY**" and then click "**APPLY FOR HELP**" to be taken to the Intake Form.
- When the Intake Form asks: "How can we help you", please select "**Federal Court Case**" from the drop-down menu. The Fed Pro SDNY office will receive your application ONLY if you select "federal court case." If you select anything else, you will need to re-complete your application.



Once you complete the form, someone will contact you, usually within five business days, to schedule an appointment. If you are not able to complete the Intake Form, please call **(212) 382-4794**, leave a detailed message, and wait for us to call you back, typically within five business days.

HOW WE HELP

While we cannot provide full representation, we can assist litigants by providing limited-scope services such as:



Counseling about potential federal claims prior to filing suit



Interpreting and explaining federal law and procedure



Reviewing drafted pleadings and correspondence with the Court



Consulting on **discovery** matters



Assisting with the **settlement** process (including **mediation**)